



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/628,905
		Filing Date	7/28/2003
		First Named Inventor	Brooks
		Group Art Unit	1645
		Examiner Name	Tongue, L.J.
Total Number of Pages in This Submission		Attorney Docket Number	D-3108CIPCON

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <i>(in duplicate)</i>	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC <i>(Appeal Notice, Brief, Reply Brief)</i>
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below)</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Request for Continued Examination; Statement Under 37 CFR 1.125(b); and Declaration Under MPEP 608.01(p).
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

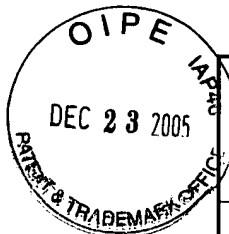
Firm Name	Stout, Uxa, Buyan & Mullins, LLP		
Signature			
Printed Name	Frank J. Uxa		
Date	12/20/2005	Reg. No.	25,612

CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Janet McGhee	Date	12/20/2005

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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

		<i>Complete if Known</i>	
		Application Number	10/628,905
		Filing Date	7/28/2003
		First Named Inventor	Brooks
		Examiner Name	Tongue, L.J.
<input type="checkbox"/> Application claims small entity status. See 37 CFR 1.27		Art Unit	1645
TOTAL AMOUNT OF PAYMENT (\$)		1810	
		Attorney Docket No.	D-3108CIPCON

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number 01-0885 Deposit Account Name Frank J. Uxa

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) associated with this communication Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
							Subtotal (1)
							0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 or , for Reissues, each claim over 20 and more than in the original patent

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent

Multiple Dependent Claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee Paid (\$)
-20 or HP =	x			50	25	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	200	100	
-3 or HP =	x			360	180	

HP = highest number of total claims paid for, if greater than 20

Indep. Claims Extra Claims Fee (\$)

-3 or HP = x Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3

Subtotal (2)

0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 =	/50=	(round up to a whole number)	x	=

Subtotal (3)

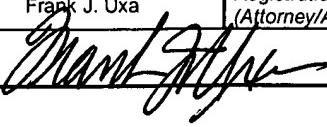
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Fee Paid (\$)

4. OTHER FEE(S)

<input type="checkbox"/> Surcharge - Late filing fee or oath/declaration: \$130 fee (\$65 small entity discount)	
<input type="checkbox"/> Non-English Specification: \$130 fee (no small entity discount)	
<input type="checkbox"/> 1-month extension of time: \$120 fee (\$60 small entity discount)	
<input type="checkbox"/> 2-month extension of time: \$450 fee (\$225 small entity discount)	
<input checked="" type="checkbox"/> 3-month extension of time: \$1020 fee (\$510 small entity discount)	
<input type="checkbox"/> 4-month extension of time: \$1590 fee (\$795 small entity discount)	
<input type="checkbox"/> 5-month extension of time: \$2160 fee (\$1080 small entity discount)	
<input type="checkbox"/> Information Disclosure Statement Fee: \$180 fee (no small entity discount)	
<input type="checkbox"/> Notice of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Filing a Brief in Support of Appeal: \$500 fee (\$250 small entity discount)	
<input type="checkbox"/> Request for Oral Hearing: \$1000 fee (\$500 small entity discount)	
<input type="checkbox"/> Utility Issue Fee: \$1400 fee (\$700 small entity discount)	
<input type="checkbox"/> Recording each patent assignment per property (times number of properties): \$40 fee (no small entity fee discount)	
<input checked="" type="checkbox"/> Request for Continued Examination: \$790 fee (\$395 small entity discount)	1020
<input type="checkbox"/> Other: _____	790
	Subtotal (4)
	1810

SUBMITTED BY

Name (Print/Type)	Frank J. Uxa	Registration No. (Attorney/Agent)	25,612	Telephone	949-450-1750
Signature			Date	12/20/2005	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/628,905 Confirmation No. 7440
Applicant : BROOKS et al.
Filed : July 28, 2003
Title : BOTULINUM TOXIN ELUTING STENT

TC/A.U. : 1600/1645
Examiner : TONGUE, L.J.

Docket No. : 17310CIP1CON1 (BOT) ; D3108-CIP1-CON1
Customer No. : 33197

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December 29, 2005

Janet McTee

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

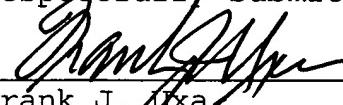
STATEMENT UNDER 37 CFR 1.125(b)

Sir:

The undersigned hereby states that the enclosed substitute specification includes no new matter.

Date: 12/20/05

Respectfully submitted,


Frank J. Oxa
Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile



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December 30, 2005

Janet McTee

DECLARATION UNDER MPEP § 608.01(p)

Sir:

I hereby declare that the amendatory material submitted in the paragraph beginning at page 22, line 5 of the enclosed substitute specification, which is the paragraph beginning at page 26, line 21 of U.S. Application No. 09/371,354, filed August 10, 1999, consists of the same material incorporated by reference in the above-identified application and includes no new matter.

Date: 12/20/05

Respectfully submitted,

Frank J. Uxa

Registration No. 25,612
4 Venture, Suite 300
Irvine, California 92618
(949) 450-1750
(949) 450-1764 Facsimile